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NOTICE OF DISBARMENT AND RESTITUTION

Case No. 22-34-GA

Notice Issued: October 28, 2022

James M. Harris, P 24939, Chicago, Illinois, by the Attorney Discipline Board Tri-County Hearing Panel #13

Disbarment, Effective October 26, 2022

After proceedings conducted pursuant to MCR 9.115, the panel found, by default, that respondent committed professional misconduct as charged in a two-count formal complaint. As alleged in Count One, the panel found that respondent had been unauthorized to practice law before the United States Patent and Trademark Office (USPTO) since 1990, yet knowingly and wrongfully failed to disclose that fact to his client when he was engaged to apply for a patent at the USPTO. After the USPTO rejected the patent application, respondent's client demanded that respondent return the fee paid to him. Respondent refused; instead, he re-filed the patent application and listed his client as the filing party in pro per. Respondent's client never procured the patent or received a refund from respondent. As alleged in Count Two, the panel found that respondent failed to answer a Grievance Administrator's Request for Investigation.

Based on respondent's default, the panel found that, as to Count One, respondent handled a legal matter the lawyer was not competent to handle, in violation of MRPC 1.1(a); neglected a client's legal matter, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of a matter and failed to comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to take reasonable steps to protect a client's interests upon termination of representation, including a failure to refund any advance payment of fee that has not been earned, in violation of MRPC 1.16(d); failed to give candid advice to a client, in violation of MRPC 2.1; engaged in the unauthorized practice of law before the USPTO, in violation of MRPC 5.5(a); created an unjustified expectation about the results the lawyer can achieve, in violation of MRPC 7.1(b); and engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, in violation of MRPC 8.4(b).

As to Count Two, the panel found that respondent failed to knowingly answer a request for investigation or demand for information in conformity with MCR 9.113(A)-(B)(2), in violation of MCR 9.104(7) and MRPC 8.1(a)(2); and engaged in conduct that violated the Michigan Rules of Professional Conduct, in violation of MCR 9.104(4).

Respondent was also found to have violated MCR 9.104(1)-(3) and MRPC 8.4(c), as charged in both counts of the formal complaint.

The panel ordered that respondent be disbarred from the practice law and that he pay restitution in the total amount of \$9,695.00. Costs were assessed in the amount of \$1,727.81.